

# **SURFACE WATER CLASSIFICATION AND WATER TRANSFERS**

## **NOTES FROM DES INTERNAL LEGAL REVIEW**

### **FOR March 22, 2004 WQSAC MEETING**

**I. The issue for water transfers is the “unless naturally occurring” language in class A narrative standards for color, turbidity, temperature, oil and grease, nitrogen and phosphorus.**

**II. This language occurs in rule, not in the legislative requirements for class A, so there should be a rule change that will accomplish the intended purpose of allowing water transfers to class A waterbodies, with appropriate safeguards and restrictions.**

**III. There are two possible ways to change the rules to accomplish this:**

**A. Revise the definition of “naturally occurring” so that it is less restrictive (present definition: “Naturally occurring conditions” means conditions which exist in the absence of human influences)**

**B. Create exceptions to the “unless naturally occurring” language for water transfers, with appropriate safeguards and restrictions, so that a less restrictive, standard applies for transfers.**